

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
GABINO GENAO,

Plaintiff,

-against-

CITY OF NEW YORK, WARDEN HARVEY,
CAPTAIN DILLARD, CAPTAIN MOISE, OFFICER
LISICHKIN, OFFICER HIDALGO, OFFICER LA
TOUCHE, COMMISSIONER BRANN, OFFICER
FERSOV,

Defendants.

ANALISA TORRES, District Judge:

Having received no objections to the Report and Recommendation (the “R&R”), ECF No. 97; *see* ECF No. 104, of the Honorable Valerie Figueiredo, the Court reviewed the R&R for clear error and found none. *See Oquendo v. Colvin*, No. 12 Civ. 4527, 2014 WL 4160222, at *2 (S.D.N.Y. Aug. 19, 2014).

The Court, therefore, ADOPTS the R&R in its entirety. Accordingly, Defendants’ motion for summary judgment, ECF No. 74, is GRANTED in part and DENIED in part. Specifically, Defendants’ motion is GRANTED as to the following claims: municipal liability, claims under 18 U.S.C. § 1001, deliberate indifference to medical needs as it relates to the rear-handcuffing, and the conditions of confinement as it relates to the denial of property, linens, blankets, and breakfast. R&R at 33. Defendants’ motion is DENIED as to the claims of deliberate indifference to medical needs and conditions of confinement based on the failure to decontaminate. *Id.*

The Court shall issue a separate order setting a trial date and related pre-trial deadlines in due course. The Clerk of Court is directed to terminate the motion at ECF No. 74, and mail a copy of this order to Plaintiff *pro se*.

SO ORDERED.

Dated: July 19, 2023
New York, New York

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/19/2023

21 Civ. 303 (AT) (VF)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**


ANALISA TORRES
United States District Judge